



Superior Court of California County of San Diego

Limited English Proficiency (LEP) Plan

I. Legal Basis and Purpose

This document serves as the plan for the Superior Court of San Diego County to provide to persons with Limited English proficiency (LEP) services that are in compliance with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.; 45 C.F.R. § 80.1 et seq.; and 28 C.F.R. § 42.101–42.112). The purpose of this plan is to provide a framework for the provision of timely and reasonable language assistance to LEP persons who come in contact with the Superior Court of San Diego County.

This LEP plan was developed to ensure meaningful access to court services for persons with limited English proficiency. Although court interpreters are provided for persons with a hearing loss, access services for them are covered under the Americans with Disabilities Act rather than Title VI of the Civil Rights Act, and therefore will not be addressed in this plan.

II. Needs Assessment

A. Statewide

The State of California provides court services to a wide range of people, including those who speak limited or no English. Service providers include the California Supreme Court, the Courts of Appeal, and the superior courts of the 58 counties.

According to the Administrative Office of the Courts (AOC) Court Interpreter Data Collection System (CIDCS), which aggregates court interpreter usage data received from the California trial courts, the most frequently used languages for interpreters in California courts during the 2010-11 fiscal year were (in descending order of frequency):

- | | |
|---------------|-------------|
| 1. Spanish | 4. Hmong |
| 2. Vietnamese | 5. Mandarin |
| 3. Cantonese | |

B. Superior Court of San Diego County

The Superior Court of San Diego County serves a diverse population of more than three million people. Communication is facilitated to LEP persons in a variety of ways depending on case area, interpreter availability, and funding. The following list shows the most commonly used interpreters in the court during fiscal year 2010-11.

- | | |
|---------------|-------------|
| 1. Spanish | 6. Tagalog |
| 2. Vietnamese | 7. Somali |
| 3. Arabic | 8. Mandarin |
| 4. Lao | 9. Farsi |
| 5. Chaldean | 10. Russian |

For purposes of this LEP plan, we will focus on the top 5 languages identified in the above list which were collected from the Administrative Office of the Court's (AOC) Court Interpreters Data Collection System (CIDCS) from July 2010 to June 2011.

III. Language Assistance Resources

A. Interpreters Used in the Courtroom

1. Providing Interpreters in the Courtroom

Providing spoken-language interpreters in court proceedings is based in whole or in part on statutory and case law. In the Superior Court of San Diego County, interpreters will be provided to litigants and/or witnesses who need such assistance under the following circumstances:

- For litigants and witnesses in criminal hearings;
- For litigants and witnesses in juvenile hearings;
- To the extent funding is available, for litigants and witnesses in family hearings in which a domestic violence protective order has been issued or is being sought;
- To the extent funding is available, for litigants and witnesses in hearings in which an elder abuse protective order has been issued or is being sought;
- For witnesses when requested by the litigants or ordered by the court. The litigants may be responsible for interpreter fees, in proportions as the court may direct to be taxed and collected as part of the overall costs in the case; and
- Incidental use of interpreter services may also be available, depending on the location and availability of employee interpreters and interpreters who are otherwise providing mandated interpreting services in criminal or juvenile hearings.

Responsibility for the cost for spoken-language interpreters for litigants and witnesses in other civil proceedings will be determined by the officiating judge on a case-by-case basis. The Superior Court of San Diego County recognizes the significant benefits to both the public and the court by providing interpreters in civil cases and will attempt to provide such interpreters for incidental use, to the extent employee interpreters are available.

2. Determining the Need for an Interpreter in the Courtroom

Many people who need an interpreter will not request one because they do not realize that interpreters are available or because they do not recognize the level of English proficiency or communication skills needed to understand the court proceeding. The court does not have funding to provide interpreters for non-mandated proceedings. However, the court can provide some assistance within existing funding restrictions and will endeavor to do so for non-mandated proceedings. The Superior Court of San Diego County may determine whether an LEP court customer needs an interpreter for a court hearing in various ways.

The need for a court interpreter may be identified prior to a court proceeding by the LEP person or on the LEP person's behalf by court business office staff, self-help center staff, or outside justice partners such as the county sheriff or prosecutor.

The need for an interpreter may also be made known in the courtroom at the time of the proceeding. At this time the judge may determine that it is appropriate to provide an interpreter for a court matter. California's Standards of Judicial Administration offer instruction to judges for determining whether an

interpreter is needed. Standard 2.10 provides that an “interpreter is needed if, after an examination of the party or a witness, the court concludes that: (1) the party cannot understand and speak English well enough to participate fully in the proceedings and to assist counsel, or (2) the witness cannot speak English so as to be understood directly by counsel, court, and jury.” The court is directed to examine the party or witness “on the record to determine whether an interpreter is needed if: (1) a party or counsel requests such examination or (2) it appears to the court that the person may not understand or speak English well enough to participate fully in the proceedings.” The court will ask questions to determine if an interpreter is needed-and state its conclusion on the record. The file will also be clearly marked and data entered electronically when appropriate by court personnel to ensure that an interpreter will be present when needed in any subsequent proceeding in the case.

In a case where the court is mandated to provide an interpreter, but one is not available at the time of the proceeding despite reasonable efforts to locate one, the case will be postponed and continued to a date when an interpreter can be provided. In the future, it is anticipated that the Administrative Office of the Courts will be providing trial courts with a continuance form translated into several languages so that LEP persons may understand the continuance.

When an interpreter is unavailable for a case in which the court is not mandated to provide one, the court may take the following actions:

- Judge can appoint an interpreter after considering the factors outlined above.
- The case could be continued until the LEP person brings someone to assist them.
- The court can use bilingual staff, if deemed appropriate.
- The court may continue the case to another date when an interpreter is available.
- Use remote audio interpretation services in short matters involving criminal arraignment or readiness, minor offense/traffic, family law motions, order to show cause hearings, or protective orders.

3. Court Interpreter Qualifications

The Superior Court of San Diego County hires interpreters for courtroom hearings in compliance with the rules and policies set forth by Government Code section 68561 and California Rules of Court, rule 2.893. The AOC maintains a statewide roster of certified and registered interpreters who may work in the courts. This roster is available to court staff and the public on the Internet at: www.courtinfo.ca.gov/programs/courtinterpreters/master.htm.

When an interpreter coordinator has made a “due diligence” effort to find a certified or registered court interpreter and none is available, the interpreter coordinator then seeks a noncertified, nonregistered court interpreter, in accordance with the governing local labor agreement. Whenever a noncertified interpreter is used in the courtroom, to either provisionally qualify the interpreter or find cause to permit him or her to interpret the proceeding, judges must, pursuant to rule 2.893, inquire into the interpreter’s skills, professional experience, and potential conflicts of interest. A provisionally qualified interpreter is one who, upon findings prescribed in the rule, is designated by the judge as eligible to interpret in a criminal or juvenile delinquency proceeding for a period of six months.

B. Language Services Outside of Courtrooms

The Superior Court of San Diego County will also take reasonable steps to ensure that LEP individuals have meaningful access to services outside the courtroom. This is perhaps the most challenging situation

facing court staff, who often attempt to assist LEP individuals without an interpreter present. LEP individuals may come in contact with court personnel via telephone or in-person at the business office.

The most common points of service outside the courtroom are at the court's public counters, business offices to research or complete court-ordered paperwork, and self-help centers. Bilingual assistance is provided at the public counter by the placement of bilingual staff as is practical. The court also periodically calls on other bilingual staff from elsewhere in the court to assist at a public counter. Similarly, the court's self-help center recruits and employs bilingual staff to provide self-represented litigants with assistance in understanding and completing necessary forms.

Providing language services outside the courtroom entails both daily communications and interactions between court staff and LEP individuals to provide accessibility of court services, such as self-help services to LEP court users.

To facilitate communication between LEP individuals and court staff, the Superior Court of San Diego County uses the following resources to the degree that resources are available:

- Court interpreters, to the extent permitted under the active memorandum of understanding or independent interpreter contract.
- In January 2012, the Superior Court of San Diego County had 241 bilingual employees in languages such as Spanish, Vietnamese, and Tagalog. The court will continue to recruit and encourage use of bilingual staff to assist LEP persons outside of courtrooms.
- Remote audio interpretation services, such as Language Line, which are available to provide assistance with short-term interpretation in court proceedings, business offices, interactions via telephone, and at the court's self-help center. The Language Line contract service provides interpretation services via the telephone in over 175 languages.

To provide linguistically accessible services for LEP individuals, the Superior Court of San Diego County will endeavor to provide:

- Bilingual staff and volunteers in self-help centers to assist LEP persons in their primary language;
- Workshops in English/Spanish regarding dissolution, small claims, Unlawful detainer, Civil Harassment;
- Bilingual family court services recommending counselors for custody and visitation matters;
- Written informational and educational materials and instructions in multiple languages (English/Spanish).
- Appropriate referrals to community programs and services in their language.

C. Translated Forms and Documents

The California courts understand the importance of translating forms and documents so that LEP individuals have greater access to court services. The Superior Court of San Diego County currently uses Judicial Council forms and instructional materials translated into commonly used languages.

- These translated forms are available at the court's Web site for internal use and are available to the public at www.courtinfo.ca.gov/selfhelp/languages as well as at the court's self-help center;
- The court also has access to instructional materials that have been translated by other courts at www.courtinfo.ca.gov/programs/equalaccess/trans.htm.

The court has translated the following documents into other languages.

Court Form No.	Form Title
ADM-112S	Guarderia Infantil del Tribunal Documento De Registro
ADM-176S	Customer Service Survey (Spanish)
ADM-247S	Express Deposit Envelope (Spanish)
ADM-253S	Credit Card Payment (Spanish)
ADM-810	Casos Civiles - Respuestas A Las Preguntas Más Frecuentes
ADM-815	Casos De Derecho Familiar - Respuestas A Las Preguntas Más Frecuentes
ADM-825	Criminal Cases Casos Penales - Frequently Asked Questions Preguntas Frecuentes
ADM-835	Infracciones - Información General
ADM-840	Infracciones - Infracciones Al Código Vehicular Seguro Automovilístico
ADM-860	Tribunal De Demandas Menores - Respuestas A Las Preguntas Más Frecuentes
ADM-870	Unlawful Detainer - Retención Ilegal Juicio De Desahucio
CIV-040	Spanish Litigant Notice
CRM-022S	Acknowledgment Of Constitutional Rights (Spanish)
CRM-191S	Dismissal Of Charges Upon Successful Completion Of Drug Treatment Under Proposition 36 (Spanish)
D-049S	Family Law Certificate of Assignment (Spanish)
D-204	Stipulation for Court Commissioner to Act as Temporary Judge for all Purposes
FCS-002S	Family Court Services Data Sheet (Spanish)
FLF-016S	Request for International Judicial Assistance for Service of Process (Spanish)
FLF-017S	Essential Information for Respondents
FLF-018S	Declaration of Diligent Search in Support of Request for Posting/Publishing publication of Service of Process in Mexico (Spanish)
FLF-020S	Certificate of Execution (Spanish)
FCS-17S	Declaration Alleging Domestic Violence (Spanish)
FCS-28S	Information Regarding Child Custody And Visitation Mediation (Spanish)
JUV-045S	Paternity Inquiry - Father's Questionnaire And Offer Of Proof (Spanish)
JUV-046S	Paternity Inquiry - Mother's Questionnaire And Offer Of Proof (Spanish)
JUV-051S	Orden De Compare Cencia
JUV-205S	Acknowledgment And Waiver Of Confidentiality/Declaration Of Translation (Spanish)
JUV-217S	Acknowledgment And Waiver Of Rights/Declaration Of Translation/Attorney (Spanish)
MO-033S	Traffic Citation – Courtesy Notice (Spanish)

These documents are located in court business offices, are mailed to litigants, and are on the internet in a "fillable" format when appropriate.

IV. Court Staff and Volunteer Recruitment

Recruitment of Bilingual Staff for Language Access

The Superior Court of San Diego County is an equal opportunity employer that recruits and hires bilingual staff to serve its LEP constituents. The court has 241 bilingual staff who speak a variety of languages, as well as English. These bilingual staff work in all areas of the court and assist LEP court customers in business offices, self-help clinics, over-the-phone, and one-on-one in court facilities.

V. Judicial and Staff Training

The Superior Court of San Diego County is committed to providing LEP training opportunities for all judicial officers and staff members. Those opportunities include courses and seminars offered by the Administrative Office of the Courts, Center for Judicial Education and Research, as well as local courses offered to court staff in the following areas:

- Diversity Training;
- Disability Training;
- Customer service training;
- Beyond bias training;
- Effective communication;
- Statewide conferences on language access or conferences that include sessions dedicated to topics on language access;
- New employee orientation training; and,
- Judicial officer orientation on the use of court interpreters and language competency.

VI. Public Outreach and Education

To communicate with the court's LEP constituents on various legal issues of importance to the community and to make them aware of services available, the Superior Court of San Diego County has developed a Spanish language version of its Resource Book, which is also posted on the court's website. The Resource Book contains general information about the Superior Californian Court of San Diego County, services and locations, a description of the different types of cases, locations, and special programs. Translation and printing was provided through a grant from the San Diego County Bar Foundation.

VII. Public Notification and Evaluation of LEP Plan

A. LEP Plan Approval and Notification

The Superior Court of San Diego County's LEP plan is subject to approval by the presiding judge and court executive officer. Upon approval, a copy will be forwarded to the AOC, LEP Coordinator. Any revisions to the plan will be submitted to the presiding judge and court executive officer for approval, and then forwarded to the AOC. Copies of Superior Court of San Diego County's LEP plan will be provided to the public on request. In addition, the court will post this plan on its public website, and the AOC will post a link to it on the Judicial Council's public website at www.courts.ca.gov.

B. Evaluation of the LEP Plan

The Superior Court of San Diego County will routinely assess whether changes to the LEP plan are needed. The plan may be changed or updated at any time but reviewed not less frequently than every other year. The evaluation will include identification of any problem areas and development of corrective action strategies. Elements of the evaluation will include:

- Number of LEP persons receiving court interpreters;
- Assessment of current language needs to determine if additional services or translated materials should be created (and funding is available);
- Review of feedback from court employee training sessions; and,
- Customer satisfaction feedback.

C. Trial Court LEP Plan Coordinator:

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E. LEP Plan Effective date: November 1, 2008
Updated: March 30, 2012

F. Approved by:

Presiding Judge: Robert J. Trentacosta Date: 4/2/12
Robert J. Trentacosta

Court Executive Officer: Michael M. Roddy Date: 4-2-12
Michael M. Roddy